

Appeal No. 14-1047

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

HITACHI CONSUMER ELECTRONICS CO., LTD. and HITACHI ADVANCED
DIGITAL, INC.,

Plaintiffs-Appellants,

v.

TOP VICTORY ELECTRONICS (TAIWAN) CO., LTD., TPV INTERNATIONAL
(USA), INC., ENVISION PERIPHERALS, INC., TOP VICTORY ELECTRONICS
(FUJIAN) CO. LTD., TPV ELECTRONICS (FUJIAN) CO. LTD., and TPV
TECHNOLOGY LTD.,

Defendants-Appellees.

Appeal from the United States District Court for the Eastern District of Texas,
Marshall Division in Case No. 2:10-CV-260-JRG, Hon. Rodney Gilstrap

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE APPELLEES'
RESPONSE BRIEF**

Pursuant to Federal Circuit Rule 26(b), defendants-appellees Top Victory Electronics (Taiwan) Co. Ltd., TPV International (USA), Inc., Envision Peripherals, Inc., Top Victory Electronics (Fujian) Co., Ltd., TPV Electronics (Fujian) Co. Ltd., and TPV Technology Ltd. (collectively, "TPV") respectfully request a 30-day extension of time to file their response brief. TPV's brief is currently due March 13, 2014. Because a 30-day extension would fall on a Saturday, if this motion is granted the brief would be due on Monday, April 14, 2014 (32 days total).

This is TPV's first request for an extension of time to file its response brief.

Counsel for appellants have indicated that appellants do not oppose the request. This Court previously granted appellants' motion for a 31-day extension of time to file their opening brief, which TPV did not oppose.

There is good cause for the requested extension. This is an appeal after a jury trial involving multiple patents. Undersigned counsel, who is principally responsible for preparing the brief, was not involved in the trial. Counsel requires the additional time to familiarize himself with the factual and legal issues appellants have raised on appeal. Further, as set forth in the attached declaration, undersigned counsel has multiple deadlines and commitments in other courts that will interfere with the preparation of TPV's brief.

In light of the foregoing and the attached declaration of Jonathan D. Hacker, TPV respectfully requests that the Court grant this unopposed motion.

Dated: February 5, 2014

Respectfully Submitted,

By: /s/ Jonathan D. Hacker

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Attorney for Defendants-Appellees

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DIGITAL, INC.,

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**DECLARATION OF JONATHAN D. HACKER IN SUPPORT OF UNOPPOSED
MOTION FOR AN EXTENSION OF TIME TO FILE APPELLEES' RESPONSE
BRIEF**

I, Jonathan D. Hacker, hereby declare under penalty of perjury pursuant to 28
U.S.C. § 1746:

1. I am an attorney duly admitted to practice before this Court, and a partner with
the law firm O'Melveny & Myers LLP. I am the counsel of record for defendants-
appellees Top Victory Electronics (Taiwan) Co. Ltd., TPV International (USA), Inc.,
Envision Peripherals, Inc., Top Victory Electronics (Fujian) Co., Ltd., TPV Electronics

(Fujian) Co. Ltd., and TPV Technology Ltd. (collectively, “TPV”) in this action. I make this declaration, pursuant to Federal Circuit Rule 26(b)(5), in support of TPV’s motion for an extension of time to file its response brief.

2. TPV respectfully requests a 30-day extension of time to file its response brief. TPV’s brief is currently due on March 13, 2014. Because a 30-day extension would fall on a Saturday, if this motion is granted the brief would be due on Monday, April 14, 2014 (32 days total).

3. This is TPV’s first request for an extension of time to file its response brief. Counsel for appellants have indicated that appellants do not oppose the request. This Court previously granted appellants’ motion for a 31-day extension of time to file their opening brief, which TPV did not oppose.

3. For the following reasons, good cause exists to grant this request for an extension. This is an appeal after a jury trial involving multiple patents. I am principally responsible for preparing the response brief, but was not involved in the case at trial. The additional time is necessary for me to familiarize myself with the factual and legal issues appellants have raised on appeal. Further, I have numerous preexisting deadlines and commitments in other courts that will interfere with preparation of the brief. These include:

- a brief in opposition to certiorari due in the U.S. Supreme Court on February 7, 2014 (*Tibble v. Edison Int’l*, No. 13-550);
- an oral argument in the California Court of Appeals on February 13, 2014 (*Nelson v. Time, Inc.*, No. B245412);
- a brief in support of a motion to dismiss due on February 14, 2014 (*In re South African Apartheid*, No. 1:02-md-1499 (S.D.N.Y.));

- a brief in response to a show cause order seeking dismissal of an appeal due on February 17, 2014 (*Farrar v. Mobil Oil Corp.*, No. 107-943 (Kan. Ct. App.));
- a reply brief in support of certiorari due in the U.S. Supreme Court on February 19, 2014 (*Catsimatidis v. Irizarry*, No. 13-683); and
- two oral arguments in the Ninth Circuit on March 6, 2014 (*Slayman v. FedEx Ground Package System*, No. 12-35525; *Alexander v. FedEx Ground Package System*, No. 12-17458).

I certify under penalty of perjury that the foregoing is true and correct. Executed on February 5, 2014, in Washington, District of Columbia.

/s/ Jonathan Hacker
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CERTIFICATE OF INTEREST

Counsel for appellees certifies the following:

1. The full name of every party or amicus represented by me is Top Victory Electronics (Taiwan) Co., Ltd., TPV International (USA), Inc., Envision Peripherals, Inc., Top Victory Electronics (Fujian) Co. Ltd., TPV Electronics (Fujian) Co. Ltd., and TPV Technology Ltd.

2. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are: Top Victory Investments Ltd is the parent corporation of 1) TPV Electronics (Fujian); 2) Top Victory Electronics (Fujian); 3) Top Victory Electronics (Taiwan); and 4) TPV International (USA). Envision Peripherals has no parent corporation. No publicly held corporation owns 10 percent or more of any of the parties represented by me.

3. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are: Mark Samuels, Brian Berliner, Vision Winter, Jordan Raphael, Nicholas Whilt, John Woo Kyunghoon, Michael Myers, Soyoung Jung, Elizabeth Klein (O'Melveny & Myers); Deron Dacus (The Dacus Firm, P.C.); Todd Landis, Eric Klein, Daniel Moffett (Akin Gump Strauss Hauer & Feld LLP); William Cornelius, Jennifer Ainsworth (Wilson Robertson & Cornelius).

Dated: February 5, 2014

Respectfully submitted,

By: /s/ Jonathan Hacker
Jonathan Hacker
Attorney for Defendants-
Appellees

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of February, 2014, a true and complete copy of the foregoing UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO FILE APPELLEES' RESPONSE BRIEF was served on counsel for appellants by electronic means (by email or CM/ECF).

Dated: February 5, 2014

Respectfully submitted,

By: /s/ Jonathan Hacker

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Appellees